

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No: SCHALLER 2/1  
Anticipated Classification of this  
application: Class:  
Prior Appl(s). No: 09/383,978  
Examiner: QUANG NGUYEN  
Art Unit: 1636

Mail Stop Patent Application  
Commissioner for Patents  
Alexandria, VA 22313-1450

Express Mail mailing label number: <u>EV 323204518US</u>
Date of Deposit: <u>Jan. 27, 2004</u>
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450".
<u>Ursula B. Day</u> [Name of person mailing paper or fee]
<u>[Signature]</u> [Signature]

S I R:

This is a request for filing a ☐ Continuation-In-Part, ☒ Continuation, or ☐ Divisional application under 37 C.F.R. 1.53(b) of pending prior applications of:

Inventor(s): HEINZ SCHALLER ET AL.

Appl. No(s): 09/383,978

filed: August 26, 1999

for: METHOD AND COMPOSITIONS FOR EXPRESSING  
HETEROLOGOUS GENES IN HEPATOCYTES USING  
HEPADNAVIRAL VECTORS

1. ☒ Enclosed is a specification, together with a  
☒ Copy of the oath or declaration as originally filed, or  
☐ Original or copy of a newly executed oath or declaration.
2. ☒ The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
3. ☐ A new oath or declaration is included since this application is a continuation-in-part which discloses and claims additional matter.

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4. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. 1.53(d)(4).  
☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:  
  
☐ \_\_\_\_\_  
The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
5. ☐ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27  
☒ was not filed in the prior application, but applicants claims small entity status, and the application was never assigned.  
☐ is enclosed, or  
☐ was claimed in the prior application no. 09/831,256 and such status is still proper and desired (37 C.F.R. 1.28(a)), or  
☐ is no longer claimed.
6. ☐ Enter the amendment previously filed on \_\_\_\_\_ under 37 C.F.R. 1.116 but unentered, in the prior application.
7. ☐ A preliminary amendment is enclosed.
8. ☐ The filing fee is calculated on the basis of the claims existing in the prior application as amended

Basic fee for the above application:	\$ 770.00
Total number of claims      20-20	\$
Independent claims          3-3	\$
Reduction by 50% for filing by a small entity	\$ 385.00
Total filing fee:	\$ 385.00

9. ☒ A check in the amount of \$375.00 is enclosed.
10. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 50-1747. A duplicate copy of this sheet is enclosed.
11. ☒ Cancel in this application original claims of the prior application before calculating the filing fee.
12. ☐ Amend the specification by inserting before the first line the sentence:--  
This is a  
☐ continuation-in-part  
☒ continuation

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- ☐ division  
of pending patent application Appl. No. 09/383,987, filed August 26, 1999
13. ☐ New formal drawings.
14. ☐ Priority of application Appl. No. filed in \_\_\_\_\_, and priority of International Appl. No. PCT/\_\_\_\_\_, filed \_\_\_\_\_, are claimed under 35 U.S.C. 119(a)-(d).  
☐ The certified copy has been filed in prior patent application Appl. No. \_\_\_\_\_, filed \_\_\_\_\_.
15. ☐ An Information Disclosure Statement (IDS)  
☐ PTO Form 1449  
☐ Copies of IDS Citations  
☒ Copies of PTO Forms 1449 as filed by applicant during prosecution of parent application 09/383,978, and of PTO Forms 892, as cited by the Examiner during prosecution of parent application 09/383,978.  
☐ Copies of IDS Citations
16. ☐ Priority of application is assigned of record to:
17. ☐ A new Assignment  
☐ Cover Sheet under 37 C.F.R. 3.73(b)
18. ☒ The power of attorney in the prior application is to:

**Ursula B. Day**  
**350 Fifth Avenue, Suite 4714**  
**New York, N.Y. 10118.**

- a. ☒ The power appears in the papers in the prior application.  
b. ☒ Address all future communications to:

**URSULA B. DAY**  
**Customer No. 28157**

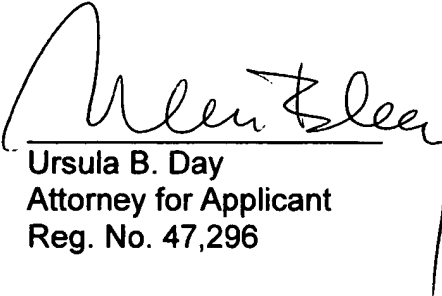
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## 19. ☐ EXTENSION OF TERM

- a. ☒ The Commissioner is hereby petitioned to extend the period for response to Official Action, dated in the prior patent application, Appl. No: 09/383,978, filed August 26, 1999, by TWO months until January 27, 2004. Accompanying this communication is the appropriate fee of \$ 210.00 pursuant to 37 C.F.R. §1.17(c) and 37 C.F.R. §1.136(a).
- b. ☐ A separate paper directed to the prior patent application, Appl. No. , filed .
- c. ☐ Request for Extension of Time was filed on together with a Request for Reconsideration, and the appropriate fee of was paid.

Respectfully submitted,

By:

  
Ursula B. Day  
Attorney for Applicant  
Reg. No. 47,296

Date: January 27, 2004  
350 Fifth Avenue  
Suite 4714  
New York, N.Y. 10118  
(212) 244-5500  
UBD:sh